

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 9/30/03
CHAIR: H. H. [Signature]
[Signature]
[Signature]
[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

October 13, 2003

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Elizabeth A. Prigge
3396 Rockhaven Cir., NE
Atlanta, GA 30324

03-R-1533

Dear Ms. Prigge:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 06, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0718

Date: September 11, 2003

Claimant /Victim ELIZABETH A. PRIGGE

BY:(Atty.)(Ins. Co.) _____

Address: 3396 Rockhaven Circle, NE, Atlanta, Georgia 30324

Subrogation: Claim for Property damage \$ 400.00 Bodily Injury \$ _____

Date of Notice: 08/27/03 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/10/02 Place: 3396 Rockhaven Circle, NE

Department Watershed Management Bureau: Waste Water

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her property was damaged due to a sewer back up. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____


Improper Notice _____ More than Six Months X Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 09-15-03

Committee Action: _____ Council Action _____

RCS# 5041
10/06/03
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Boazman	NV Woolard

CONSENT I

10-06-03 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1475 2. 03-O-1471 3. 03-O-1438 4. 03-O-1442 5. 03-O-1452 6. 03-O-1380 7. 03-O-1478 8. 03-O-1479 9. 03-O-0953 10. 03-O-1455 11. 03-O-1476 12. 03-O-1481 13. 03-R-1498 14. 03-R-1499 15. 03-R-1582 16. 03-R-1583 17. 03-R-1502 18. 03-R-1503 19. 03-R-1505 20. 03-R-1506 21. 03-R-1507 22. 03-R-1488 23. 03-R-1489 24. 03-R-1490 25. 03-R-1491 26. 03-R-1492 27. 03-R-1495 28. 03-R-1513 29. 03-R-1514 30. 03-R-1515 31. 03-R-1516 32. 03-R-1517 33. 03-R-1518 34. 03-R-1519 35. 03-R-1520 36. 03-R-1579	37. 03-R-1521 38. 03-R-1522 39. 03-R-1523 40. 03-R-1524 41. 03-R-1525 42. 03-R-1526 43. 03-R-1527 44. 03-R-1528 45. 03-R-1529 46. 03-R-1530 47. 03-R-1531 48. 03-R-1532 49. 03-R-1533 50. 03-R-1534 51. 03-R-1535 52. 03-R-1536 53. 03-R-1537 54. 03-R-1538 55. 03-R-1539 56. 03-R-1540 57. 03-R-1541 58. 03-R-1542 59. 03-R-1543 60. 03-R-1544 61. 03-R-1545 62. 03-R-1546 63. 03-R-1547 64. 03-R-1548 65. 03-R-1549 66. 03-R-1550 67. 03-R-1551 68. 03-R-1552 69. 03-R-1553 70. 03-R-1554	71. 03-R-1555 72. 03-R-1556 73. 03-R-1557 74. 03-R-1558 75. 03-R-1559 76. 03-R-1560 77. 03-R-1561 78. 03-R-1562 79. 03-R-1563 80. 03-R-1564 81. 03-R-1565 82. 03-R-1566 83. 03-R-1567 84. 03-R-1568 85. 03-R-1569 86. 03-R-1570 87. 03-R-1571 88. 03-R-1572 89. 03-R-1573 90. 03-R-1574 91. 03-R-1575 92. 03-R-1576 93. 03-R-1577 94. 03-R-1578

Consent I Vote: 13 Yeas; 0Nays: (See RCS #5041)